

REMARKS

Claims 1-5 and 8-17 are pending in the present application. Claims 1, 2 and 5 have been amended, and new claim 18 has been added. The claims have been amended to more particularly point out that which applicants regard as the invention. No issue of new matter is raised by these changes. Accordingly, upon entry of this Amendment, claims 1-5 and 8-18 will be pending and under examination.

35 U.S.C. §102

In the Advisory Action, the Examiner stated that applicants' November 5, 2008 amendment was entered and considered, but does not place the application in condition for allowance. Specifically, the Examiner stated, in relevant part, that "amended claims 1, 3, 5 and 10-15 now will be rejected under 35 U.S.C. §102(b) over Krassnig's reference and Schmidhammer's reference since the applicants have amended claims to reintroduce the value of variable [R₂] as benzyl."

In response, applicants note that claims 1 and 2, as amended, do not recite benzyl as an embodiment of R₂. Therefore, applicants maintain that the Examiner's rejection has been obviated.

With respect to claim 5, depending from claim 1 or 2, we note that the specific compounds containing a benzyl or C₁-C₃ alkyl for R₂ have been deleted, and that independent claim 18 has been added to recite only these compounds. Applicants note that these compounds are not taught by the cited references.

35 U.S.C. §112, First Paragraph

In the Advisory Action, the Examiner maintained the rejection of claims 1-5 and 8-17 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description

requirement. In the most recent Office Action, the Examiner asserted that the amendment to the claims to introduce “new” values for substituent R₂ constitutes the addition of new matter, since such values allegedly were not present in the original specification.

In response, applicants again respectfully traverse the Examiner’s rejection.

The amendments to the claims (e.g. to claims 1 and 2) introduce no “new” values to the various substituents. For example, in an earlier amendment, for substituent R₂, applicants deleted the moiety “C₇-C₁₆-arylalkyl” and replaced it with “C₈, C₉, C₁₀, C₁₁, C₁₂, C₁₃, C₁₄, C₁₅, or C₁₆-arylalkyl.” It is key that the original language “C₇-C₁₆-arylalkyl” has the *identical* meaning, and is thus interchangeable with, “C₇, C₈, C₉...C₁₆-arylalkyl.” In other words, the recitation of a carbon atom range such as “C₇-C₁₆” is simply *shorthand* for the individual recitation of each of the ten members of that group (namely C₇, C₈...C₁₆). It follows that each of the ten members of the group “C₇-C₁₆-arylalkyl” was explicitly included in claim 1 as an embodiment of R₂. Thus, canceling one of these ten members, i.e. “C₇-arylalkyl”, while leaving members C₈-C₁₆-arylalkyl in the claim, has explicit support, since each of members C₈-C₁₆-arylalkyl is explicitly supported. Thus, applicants’ amending the claims to change “C₇-C₁₆-arylalkyl” to “C₈, C₉...C₁₆-arylalkyl” does *not* constitute the addition of new matter.

In view of the above, applicants respectfully maintain that the claims satisfy the written description requirement under 35 U.S.C. §112, first paragraph.

Please charge our Patent and Trademark Office Deposit Account No. 03-2412 in the amount of \$2,350.00 for a five-month extension and \$810.00 for a Request for Continued Examination.

Respectfully submitted,
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